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Honorable John G. Koeltl  
 United States District Judge  
 United States District Court  
 for the Southern District of New York  
 500 Pearl Street  
 New York, New York 10007-1312

Re: Lindner v. American Express Corporation  
 Civil Action No. 06-03834 (JGK-THK)

Dear Judge Koeltl:

I just received the Court's order concerning plaintiff's objections to Defendants' application to file, under seal, their motion to enforce settlement and dismiss the action.

Defendants were prepared to file their motion today with the specific terms of the open court settlement and the transcript thereof protected under seal. Should we understand the Court's order to provide that such motion be held in abeyance pending resolution of the issue of confidentiality?

We thank the Court for providing this point of clarification.

Respectfully submitted,



Jean Y. Park (JYP-8073)

cc: Thomas J. Luz, Esq., Pearce & Luz LLP  
 Attorneys for Plaintiff (via facsimile (212) 221-8468)

NY01/PARKJE/1176680.1

April 6, 2007

*The Court did not preclude  
 filing the motion under seal --  
 although the Court does not  
 understand from the parties' submissions the  
 urgency of filing the motion under seal today.  
 Moreover, counsel should be aware that  
 if the motion is filed based on the representation  
 that it contains confidential material, such  
 parts of the motion that can be separated  
 and that do not contain confidential material  
 will be unsealed.*

*SO ordered, J. Koeltl  
 4/6/07 J.S.D.-S.*